

## **REMARKS**

In view of the withdrawal of the finality of the final rejection in the last Office Action, the current set of claims incorporate the amendment to withdrawn claim 20 as set forth in the amendment after final rejection mailed November 15, 2006.

### ***Claim Rejections - 35 USC § 103***

Claims 1-3, 5, 6, 8-12 and 14 - 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aoki et al. (USPN 6,562,429) in view of Reiger et al. (USPN 6,653,061) and Bourdelais et al (USPN 6,270,429). The Examiner states Aoki et al. discloses a label stock (Column 1, lines 30-33) comprising in order at least one pragmatic sheet (Figures 1- 3, #1), a pressure sensitive adhesive (Column 3, lines 29 - 31; Figure 1, #2) having a thickness between 5 and 100 micrometers, thereby overlapping the claimed range of 12 and 25 micrometers, (Column 7, lines 11 - 14) and a compliant carrier sheet (Figures 1- 3, #3), wherein the compliant carrier sheet comprises at least one voided layer (Column 2, lines 41 - 42 - wherein the cells of the foam layer are equivalent to the voids) adjacent said adhesive (Figure 1, #2 and 3; Column 6, lines 40 - 43) as in claims 1, 4, 6 and 12. While acknowledging Aoki et al. fail to disclose a polyester polymer sheet having at least one voided layer, a release layer between said adhesive and said voided layer and the pragmatic sheet comprising a gelatin layer adjacent to said adhesive, the Examiner further states that Reiger et al. teach a release layer between said adhesive (Column 18, lines 19 - 27) and said carrier sheet (Column 74, lines 35-40) and the pragmatic sheet comprising a gelatin layer adjacent to said adhesive (Column 7, lines 9 - 17) in a label stock (Column 1, lines 6 - 9) for the purpose of forming a label that is low in cost and has excellent optical properties (Column 10, line 66 to Column 11, line 1); that Bourdelais et al teach a polyester polymer sheet having at least one voided layer has a base layer (Abstract, lines 1-2) in combination with a pragmatic sheet comprising a gelatin layer adjacent to said adhesive (Column 5, lines 3-6) for the purpose of having a photographic paper that is smoother, tear resistant and has a greater resistance to curl (Column 3, lines 25-28); and that it would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to have provided the voided polyester polymer sheet and gelatin layer in Aoki et al. in

order to form a label that is low in cost and has excellent optical properties as taught by Reiger et al. and to have a photographic paper that is smoother, tear resistant and has a greater resistance to curl as taught by Bourdelais et al. This rejection is respectfully traversed.

Contrary to the Examiner's assertions, the proposed combination of Aoki et al, Reiger et al and Bourdelais et al does not teach or suggest the present invention, as not one of such references teaches a release layer between an adhesive and a voided layer. Rather, the release layer in Reiger et al is between a peelable liner (see, e.g., col. 19, lines 40+) substrate and the adhesive layer of the photographic label, and similarly would be between adhesive layer 4 and release material material 5 of Aoki et al, while Bourdelais et al does not disclose any release layer.

To the extent voided layers are suggested in Reiger et al. such as described at Column 10, lines 66 to Column 11, line 11 as referenced by the Examiner, they are disclosed as part of the face stock substrate, not part of the environmental protection layer or part of the peelable liner. The voided layers disclosed in Reiger et al. are employed so as to provide opacity, whiteness, and image sharpness to the image (see, e.g., col. 11, lines 25-30). Similarly, the voided layer of Bourdelais et al is taught as part of a laminated base of a photographic element, which in addition to providing the physical advantages noted by the examiner also are employed to provide improved dye hue angle for the photographic element. Thus, such layers are clearly intended to be retained with the label and photographic images, not to be discarded as part of a liner. Where a voided layer is employed as part of the face stock of the label as taught in Reiger et al, the label adhesive is between the voided layer and the peelable liner, and the release layer is between the adhesive and the peelable liner. Accordingly, the release layer employed in Reiger et al. is not between the adhesive and the voided layer as required by the present claimed invention, and the proposed combination of Reiger et al. with Aoki et al. would not overcome the basic acknowledged deficiencies of the Aoki et al reference with respect to the present claimed invention. Further reliance on Bourdelais et al does not overcome this basic deficiency of the prior art references, as Bourdelais does not even employ a release layer anywhere in the element thereof (column 5, lines 3-6 referenced by the Examiner merely notes that gelatin based emulsion layers

adhere well to low density polyethylene when used in combination with corona discharge treatment, without any teaching of a release layer between an adhesive layer of a label stock and a voided layer). A *prima facie* case of obviousness accordingly has clearly not been made, and reconsideration of this rejection is respectfully requested.

Claims 13, 18, 19 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aoki et al. (USPN 6,562,429) in view of Reiger et al. (USPN 6,653,061) and Bourdelais et al (USPN 6,270,429) as applied to claims 1-3, 5, 6, 8-12 and 14 - 17 above, and further in view of Tsugawa et al. (USPN 5,928,987). The Examiner states it would have been obvious to one of ordinary skill in the art at the time the applicant's invention to provide a thermal dye receiver layer as taught by Tsugawa et al. in Aoki et al. modified by Reiger et al. and Bourdelais et al to form a superior recording material. This rejection is respectfully traversed, as Tsugawa et al. does not overcome the basic deficiencies of the Aoki et al., Reiger et al and Bourdelais et al references with respect to the present claimed invention in that the pragmatic layer of Aoki et al. may not be separated as there is no release layer and pressure sensitive adhesive combination below the pragmatic layer. Tsugawa et al. does not disclose or suggest any modification of Aoki that would lead to the formation of a label product as is instantly claimed. Therefore, it is respectfully requested that this rejection be reconsidered and withdrawn.

#### *Response to Arguments*

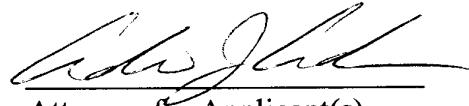
In response to Applicant's argument that the release layer in Reiger et al. is not between the adhesive and the voided layer as required by the present claimed invention, the Examiner now cites Bourdelais as teaching a polyester polymer sheet having at least one voided layer as a base layer of a photographic element. As explained above, however, such additional reference still fails to teach a release layer between an adhesive layer of a label stock and a voided layer. As taught by Applicants, such arrangement enables that the voided layer is peelable from the adhesive of the label face stock. To the contrary, Bourdelais (similarly to Reiger) teaches use of the voided layer to improve the look of the photographic image. There is simply no teaching or suggestion in Bourdelais et al

or Reiger et al. to employ a voided layer in a releasable peelable liner to provide a compliant carrier sheet as taught in the present invention.

In view of the foregoing amendments and remarks, reconsideration of this patent application is respectfully requested. A prompt and favorable action by the Examiner is earnestly solicited. Should the Examiner believe any remaining issues may be resolved via a telephone interview, the Examiner is encouraged to contact Applicants' representative at the number below to discuss such issues.

In view of the foregoing amendments and remarks, reconsideration of this patent application is respectfully requested. A prompt and favorable action by the Examiner is earnestly solicited. Should the Examiner believe any remaining issues may be resolved via a telephone interview, the Examiner is encouraged to contact Applicants' representative at the number below to discuss such issues.

Respectfully submitted,



Attorney for Applicant(s)  
Registration No. 33,564

Andrew J. Anderson/vjr

Rochester, NY 14650

Telephone: (585) 722-9662

Faxsimile: (585) 477-1148

If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.